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Congressman Akin Affirms Commitment to Passage of Pledge Protection Act

Washington, D.C.- Congressman Todd Akin (R-MO) criticized today's ruling by U.S. District Judge Lawrence Karlton that the Pledge of Allegiance's use of the phrase "under God" violates the United States Constitution, and affirmed his commitment to passing his legislation to protect the Pledge from an activist judiciary.

"It is time for Congress to invoke the power given to it by the United States Constitution to protect the basic right of Americans to freedom of religious expression," Akin said. "This ruling is a form of passive coercion, preventing students who want to use the phrase 'under God' from doing so. As such, it violates both their freedom of speech and freedom of religion. This decision turns the First Amendment upside down: The Amendment was written to protect speech, and now it is being used for censorship. School children are not forced to say the Pledge, but this decision would use the force of government to prevent them from saying it.

The Pledge Protection Act (PPA) of 2005 would restrict the jurisdiction of the federal courts from ruling on the constitutionality of the Pledge by using the power granted to Congress by Article III of the Constitution to establish the jurisdiction of federal courts.

Originally introduced in May 2003, the bill was a response to an earlier decision by the Ninth Circuit declaring the phrase "under God" unconstitutional. The Pledge Protection Act (PPA) was passed by the U.S. House of Representatives with a vote of 247 to 173 during the 108th Congress, but failed to be approved by the Senate.

In the current 109th Congress, the PPA currently has 183 cosponsors. Akin said he plans to again work with House Judiciary Chairman James Sensenbrenner to bring the bill to the floor for a vote in the 109th Congress. Akin's Senate colleague, Jon Kyl (R-AZ), has introduced companion legislation in the U.S. Senate.

Akin noted the words of Justice William O. Douglas in the 1952 *Zorach v. Clauson* decision as underscoring the importance of his effort to protect the Pledge:

The First Amendment ... does not say that in every and all respects there shall be a separation of Church and State...[o]therwise the state and religion would be aliens to each other - hostile, suspicious, and even unfriendly ... Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths - these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

"Sadly, Justice Douglas' then-unthinkable conclusion about efforts to discount every mention of God in public life has come to pass. Those of us who value religious freedom and our heritage as a nation 'under God' do not intend to let these efforts succeed," the Congressman concluded.